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# The Story Behind the Book: [Illinois Justice: The Scandal of 1969 and the Rise of John Paul Stevens]

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# THE STORY BEHIND THE BOOK

## “Illinois Justice: The Scandal of 1969 and the Rise of John Paul Stevens”

By Professor Kenneth A. Manaster

About nine years ago in San Francisco, U.S. Supreme Court Justice John Paul Stevens gave a lunchtime speech at the American Bar Association's Annual Meeting. He talked about his pro bono work when he was a practicing lawyer in Chicago in the 1950s and 1960s. One of the cases he mentioned, though just briefly, was his volunteer service as Counsel to the Special Commission of the Illinois Supreme Court in the summer of 1969. Stevens headed the small legal team that investigated charges that the chief justice and another justice of the state's highest court had acted improperly—in essence, had taken a bribe—in connection with a criminal case against a politically prominent Chicago lawyer.

I was in the large audience that heard Stevens's comments that day. I was familiar with the Special Commission. I had worked with him as an Associate Counsel in that investigation.

During his remarks, Justice Stevens was kind enough to point out that I was present in the banquet hall. I was thrilled, of course, to hear him mention my name in front of a thousand or so lawyers. Then I realized that there probably were only two or three people present who had ever heard of me, so my moment to shine by reflected glory was brief.

More importantly, it suddenly struck me that the full story of the 1969 Illinois Supreme Court scandal had never been told, that it should be told, and that perhaps I was the person to tell it. I mentioned this idea to Stevens right after the lunch, and he said that he occasionally had thought about writing an article about this episode.

It was a very important event in his

career, and one he remembered vividly. In his remarks to the ABA, he even had said something publicly that I previously had heard him say privately—that if he had not worked on this case, “I'm sure I would not be occupying the position I occupy today.”

Stevens and I agreed to explore the possibility of jointly writing an article about the Special Commission investigation, and I soon drafted an introductory section. Although Stevens was generally pleased with what I sketched out, he quickly let me know that he was reluctant to embark on co-authorship of an article that might, he feared, be somewhat laudatory of him. He nonetheless offered to help me if I chose to proceed with the article, and I forged ahead.

What began as an idea for an article, however, soon grew into a much bigger venture. The result is *Illinois Justice: The Scandal of 1969 and the Rise of John Paul Stevens*, published in September 2001 by The University of Chicago Press with a Foreword by Justice Stevens.

Thus, at last, the story has been told, not just about what happened to the Illinois Supreme Court that fateful summer, but also about how those events transformed the careers of a number of Illinois judges, lawyers, journalists, and politicians, as well as the judicial misconduct provisions of the Illinois Constitution.

The scandal, or at least some portions of it that previously have become known, may be well remembered by Illinois lawyers who were in practice back then. Hopefully they will enjoy the more

complete telling of this unique tale.



U.S. Supreme Court Justice  
John Paul Stevens

### Distinctive Illinois' Law and Politics

As for younger lawyers, my hope is that through this book they will not only learn some fascinating Illinois legal history, but will gain insight into various aspects of the context in which they practice. The distinctive culture of Illinois law and politics has offered lawyers and judges unusual opportunities for either corrupt conduct or highly ethical action.

There have been few, if any, incidents that dramatize these opportunities as starkly as what has been referred to as the Klingbiel-Solfsburg scandal.

Justice Stevens did indeed provide me tremendous assistance in the writing of this book, not only through provocative Foreword, but also by sharing his files, memories, and reflections. Certainly, as he told the ABA and as the book explains in detail, his brief tenure as Counsel to the Special Commission was the catalyst for his lengthy and estimable tenure as a jurist.

As the book also explains, there are a few distinctive aspects of the way he has discharged his responsibilities on the Supreme Court that surprisingly were a direct outgrowth of his experiences that summer. Part of Justice Stevens's enthusiasm for this story undoubtedly stems from its significance in his career.

My sense, however, is that Justice Stevens's enthusiasm for this story, and my own as well, are also based on something else, something akin to nostalgia but more substantial than that.

The team of six Chicago lawyers that Stevens led participated in one of those rare moments in the practice of law that

See page 48  
to read a  
review of  
this book.

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are impossible to predict and impossible to forget. (The other team members were Jerome H. Torshen, Joseph E. Coughlin, and Nathaniel Sack, who still practice in Chicago, and William J. McNally, who now practices in Boston.) Strangers one day and partners the next, we threw ourselves into a complex case that had a clear and fundamental aim-protection of the integrity of the state's justice system.

Working night and day, sharing ideas on the law and speculations on the

evidence, disagreeing at times and finding passionate consensus at others, sensing imminent defeat at some junctures and small triumphs at others, we did what lawyers do best. We pooled our energies, skills, and outlooks to present the strongest and most honest case we could. We experienced the exciting synergy of lawyers working hard together under a wise leader. And, as often happens even in crisis circumstances, we found the experience exhausting yet thrilling. As Justice Stevens recalled with typical understatement during one of our recent discussions, "We really did have a good time."

Our efforts were rewarded by what many people considered a successful result, although the tragic aspects of the outcome overshadowed any possible glee. What the book does not consider, of course, is how Stevens's team would have remembered this experience had the outcome been different, had it been a "loss" from an advocate's perspective. My hunch is that our memory of what we did would not be all that different, despite the lingering taste of defeat. We still would have given it our all and worked together as an unexpectedly strong unit, and the friendships and mutual respect we developed would endure too.

Most importantly, for the five of us who served under him, our appreciation of John Paul Stevens would not be dimmed. To have worked with a person of such great intelligence and insight, humility and generosity, was a privilege for us all.

For Justice Stevens to have helped in recreating this experience on paper so many years later was an added gift to me.

For La Salle Street to have produced a justice of such unquestionable integrity and wisdom is the Chicago bar's great gift to the nation. ■

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